



## **SOCIAL SECURITY ADMINISTRATION**

**[Docket No. SSA-2022-0060]**

### **Rate for Assessment on Direct Payment of Fees to Representatives in 2023**

**AGENCY:** Social Security Administration (SSA).

**ACTION:** Notice.

**SUMMARY:** We are announcing the assessment percentage rate under the Social Security Act (Act) is 6.3 percent for 2023.

**FOR FURTHER INFORMATION CONTACT:** Jeffrey C. Blair, Associate General Counsel for Program Law, Office of the General Counsel, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401.  
Phone: (410) 965-3157, email [Jeff.Blair@ssa.gov](mailto:Jeff.Blair@ssa.gov).

**SUPPLEMENTARY INFORMATION:** Claimants may appoint a qualified individual as a representative to act on their behalf in matters before the Social Security Administration (SSA). If the claimant is entitled to past-due benefits and was represented either by an attorney or by a non-attorney representative who has met certain prerequisites, the Act provides that we may withhold up to 25 percent of the past-due benefits and use that money to pay the representative's approved fee directly to the representative.

When we pay the representative's approved fee directly to the representative, we must collect from that fee payment an assessment to recover the costs we incur in determining and paying representatives' fees. The Act provides that the assessment we collect will be the lesser of two amounts: a specified dollar limit; or the amount determined by multiplying the fee we are paying by the assessment percentage rate.<sup>1</sup>

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<sup>1</sup> 42 U.S.C. 406(d), 406(e), and 1383(d)(2).

The Act initially set the dollar limit at \$75 in 2004 and provides that the limit will be adjusted annually based on changes in the cost-of-living.<sup>2</sup> Currently, the maximum dollar limit for the assessment is \$113, as we announced in the *Federal Register* on October 24, 2022 (87 FR 64296).

The Act requires us, each year, to set the assessment percentage rate at the lesser of 6.3 percent or the percentage rate necessary to achieve full recovery of the costs we incur to determine and pay representatives' fees.<sup>3</sup>

Based on the best available data, we have determined that the current rate of 6.3 percent will continue for 2023. We will continue to review our costs for these services on a yearly basis.

**Michelle King,**

*Deputy Commissioner*

*for Budget, Finance, and Management.*

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<sup>2</sup> 42 U.S.C. 406(d)(2)(A) and 1383(d)(2)(C)(ii)(I).

<sup>3</sup> 42 U.S.C. 406(d)(2)(B)(ii) and 1383(d)(2)(C)(ii)(II).